UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

JTH TAX, INC. d/b/a LIBERTY TAX SERVICE,

Plaintiff,

Civil No. 2:07cv170

v.

KENYA WHITAKER AND EASY SOFTWARE SOLUTIONS, LLC.,

Defendants.

Declaration of Stephen Richard

Pursuant to 28 U.S.C. § 1746, I, Stephen Richard, declare under penalty of perjury that the following statements are true and correct:

1. I am over the age of eighteen (18) years and am fully competent to testify to the matter stated in this declaration. This declaration is based upon my personal knowledge, Liberty's corporate and business records, and information available form Liberty's employees and agents.

2. I am employed by JTH Tax, Inc. as the Director of Database and Business Intelligence and have held this position since May 2004. Prior to this position, I served as Liberty's Lead Database Administrator from May 2001 through May 2004.

3. Through our computer databases we are able to track the tax preparation progress of any Liberty Tax store.

4. In January 2007, Kenya Whitaker and Easy Software Solutions, LLC (collectively "Whitaker") Liberty office prepared 85 income tax returns. However, none of these returns were processed through Liberty's system.

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5. In the 2006 calendar year, Whitaker's Liberty office prepared 792 income tax returns.

6. In the 2005 calendar year, Whitaker's Liberty office prepared 676 income tax returns.

7. In the 2004 calendar year, Whitaker's Liberty office prepared 492 income tax returns.

8. I live in and work in the Virginia Beach, Virginia area and have a young child. Travel to Texas for a trial would be extremely inconvenient.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 21st day of May 2007.

Stephen Richard

Stephen Richard